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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7263 of 2007

M/s.Shree Sai Enterprises .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

Mr.M.S. Karnik for the petitioner.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 29th September 2007

P.C.:

1. By this petition, the petitioner challenges advertisement dated 31st August 2007 and the awarding of the contract to the successful auctioneer for excavation of the sand.

2. The petitioner had a contract for sand excavation in the previous year. He did not fulfil the terms of the contract. He however claimed that he could not fulfil the terms of the contract because of the objections raised by the villagers. He had applied to the government for extension of time of

the previous contract. Request of the petitioner was not acceded and fresh auction was held. The petitioner did not participate in the said auction.

3. In our view the petitioner has no locus to challenge the auction as he had not even participated in it. His period of contract is over and the government was therefore entitled to hold fresh auction. No procedural irregularity is committed in the fresh auction.

4. The petition is accordingly rejected summarily.

(D.G. KARNIK, J) (S.B. MHASE, J)